

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:09cr00230-001
)	
Plaintiff,)	JUDGE: JAMES S. GWIN
)	
vs.)	ORDER
)	
WALTER E. MOODY,)	
)	
Defendant.)	

This matter was heard on May 23, 2012, upon the request of the United States Pretrial and Probation Office for a finding that defendant had violated the conditions of his supervised release. The defendant was present and represented by Attorney Carolyn Kucharski. The initial violation report was referred to Magistrate Judge Kenneth McHargh who issued a Report and Recommendation on April 26, 2012, noting that defendant admitted to the violations in the report and recommending a finding of violation of the conditions of supervised release. No objections were filed to the Report and Recommendation.

The Court adopted the Report and Recommendation and found defendant had violated the conditions of supervised release as follows:

- 1) engaging in illicit use of illegal drugs;
- 2) refusing to submit to a urinalysis.

The Court entertained a request by defense counsel for a 90 day continuance of the sentencing hearing to permit defendant the opportunity continue testing to show the Court

defendant is capable of remaining on supervised release and abiding by the conditions imposed.

The request was not opposed.

The Court granted the request for a continuance of the sentencing hearing with instructions to the supervising officer that defendant be tested twice weekly pending final disposition of the instant violations. The supervising officer shall immediately file an emergency warrant if defendant tests positive prior to the final hearing which the Court set for September 10, 2012, at 12:00 noon, Courtroom 18A (Cleveland).

IT IS SO ORDERED.

Dated: May 23, 2012

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE